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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To regulate market concentration and competition in the food and agriculture industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASAR introduced the following bill; which was referred to the Committee
on _____

A BILL

To regulate market concentration and competition in the food and agriculture industry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fairness for Small-Scale Farmers and Ranchers Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—MORATORIUM ON AND REVIEW OF LARGE AGRIBUSINESS, FOOD AND BEVERAGE MANUFACTURING, AND GROCERY RETAIL MERGERS

Sec. 101. Moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers.

Sec. 102. Retroactive review of large agribusiness, food and beverage manufacturing, and grocery retail mergers.

TITLE II—FARM SYSTEM REFORMS

Sec. 201. Local agriculture market program.

Sec. 202. Restoration of mandatory country of origin labeling for beef and pork; inclusion of dairy products.

Sec. 203. Definitions in Packers and Stockyards Act, 1921.

Sec. 204. Unlawful practices.

Sec. 205. Spot market purchases of livestock by packers.

Sec. 206. Investigation of live poultry dealers.

Sec. 207. Ensuring fair practices in agriculture.

Sec. 208. Award of attorney fees.

Sec. 209. Review and report on fragility and national security in the food system.

Sec. 210. Technical amendments.

TITLE III—PROVIDING RESOURCES FOR BEGINNING, RETIRING, AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS

Sec. 301. Reauthorization and increased funding for beginning, retiring, and socially disadvantaged farmers and ranchers.

TITLE IV—LIVESTOCK, DAIRY, AND POULTRY SUPPLY CHAIN INFRASTRUCTURE

Sec. 401. Livestock, dairy, and poultry supply chain infrastructure grants and loans.

Sec. 402. Pilot program for increased accessibility to inspection and technical assistance for eligible processing facilities.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Concentration in the food and agricultural
4 economy, including mergers, acquisitions, and other
5 combinations and alliances among suppliers, pack-
6 ers, integrators, other food processors, distributors,
7 and retailers has been accelerating at a rapid pace

1 since the 1980s, and particularly since the 2007
2 through 2009 recession.

3 (2) The trend toward greater concentration in
4 food and agriculture has important and far reaching
5 implications not only for family farmers, but also for
6 food chain workers, the food we eat, the commu-
7 nities we live in, the integrity of the natural environ-
8 ment upon which we all depend, and for our collec-
9 tive public health.

10 (3) The infant formula industry, for example,
11 has reached an alarming level of corporate con-
12 centration with 4 companies now controlling nearly
13 90 percent of the infant formula market. A disrup-
14 tion in the supply of just 1 infant formula producer
15 now presents a grave risk to infant health in the
16 United States.

17 (4) In the past 4 decades, the top 4 largest
18 pork packers have seized control of 70 percent of the
19 market, up from 36 percent. Over the same period,
20 the top 4 beef packers have expanded their market
21 share from 32 percent to 85 percent. The top 4 flour
22 millers have increased their market share from 40
23 percent to 64 percent. The market share of the top
24 4 soybean crushers has jumped from 54 percent to
25 79 percent, and the top 4 wet corn processors con-

1 trol of the market has increased from 63 percent to
2 86 percent.

3 (5) Today the top 4 sheep, poultry, and fluid
4 milk processors now control 62 percent, 54 percent,
5 and 50 percent of the market, respectively.

6 (6) The top 4 grain companies today control as
7 much as 90 percent of the global grain trade.

8 (7) During the past 5 years there has been a
9 wave of consolidation among global seed and crop-
10 chemical firms, 3 companies now control nearly 2/3
11 of the world's commodity crop seeds. Those same 3
12 companies now also control nearly 70 percent of all
13 agricultural chemicals and pesticides.

14 (8) In the United States, the 4 largest corn
15 seed sellers accounted for 85 percent of the market
16 in 2015, up from 60 percent in 2000. Over the past
17 20 years, the cost for an acre's worth of seeds for
18 an average corn farmer has nearly quadrupled, and
19 the cost of fertilizer has more than doubled. Yet
20 corn yields increased only 36 percent over that time,
21 and the price received for the sale of a bushel of
22 corn increased only 31 percent.

23 (9) A handful of firms dominate the processing
24 of every major commodity. Many of them are
25 vertically integrated, which means that they control

1 successive stages of the food chain, from inputs to
2 production to distribution. The growing number and
3 scale of cross-border agribusiness and food mergers
4 have put foreign firms, often with considerable gov-
5 ernment backing, into prominent and even dominant
6 positions in the United States beef, hog, poultry,
7 seed, fertilizer, and agrichemical sectors.

8 (10) Growing concentration of the agricultural
9 sector has restricted choices for farmers trying to
10 sell their products. As the bargaining power of agri-
11 business firms over farmers increases, concentrated
12 agricultural commodity markets are stacked against
13 the farmer, with buyers of agricultural commodities
14 often possessing regional dominance in the form of
15 oligopsony or monopsony relative to sellers of such
16 commodities.

17 (11) The high concentration and consolidation
18 of buyers in agricultural markets has resulted in the
19 thinning of both cash and future markets, thereby
20 allowing dominant buyers to leverage their market
21 shares to move those markets to the detriment of
22 family farmers and ranchers.

23 (12) Buyers with oligopsonistic or
24 monopsonistic power have incentives to engage in
25 unfair and discriminatory acts that cause farmers to

1 receive less than a competitive price for their goods.
2 At the same time, some Federal courts have incor-
3 rectly required a plaintiff to show harm to competi-
4 tion generally, in addition to harm to the individual
5 farmer, when making a determination that an un-
6 fair, unjustly discriminatory, deceptive, or pref-
7 erential act exists under the Packers and Stockyards
8 Act of 1921.

9 (13) The farmer's share of every retail dollar
10 has plummeted from 41 percent in 1950, to less
11 than 15 percent today, while the profit share for
12 farm input, marketing, and processing companies
13 has risen.

14 (14) While agribusiness conglomerates are post-
15 ing record earnings, farmers are facing desperate
16 times. Since 2013, net farm income for United
17 States farmers has fallen by more than half and me-
18 dian on farm income was negative in 2020.

19 (15) The benefits of low commodity prices are
20 not being passed on to American consumers. The
21 gap between what shoppers pay for food and what
22 farmers are paid is growing wider.

23 (16) The steadily rising price of food has out-
24 paced growth in incomes for typical workers. Since
25 the Great Recession, the annual growth of real

1 prices for food at the supermarket have risen nearly
2 3 times faster than typical earnings.

3 (17) There is a growing consensus that eco-
4 nomic consolidation contributes to the widening gap
5 in economic opportunity in the United States and
6 bigger, more dominant firms are more likely to de-
7 liver profits to investors than to raise wages or bene-
8 fits. Mega-mergers in the food and agribusiness in-
9 dustries can lead to growing monopsony power abuse
10 resulting in wage suppression, along with massive
11 layoffs as companies shutter factories and facilities,
12 harming working families and communities.

13 (18) Concentration, low prices, anticompetitive
14 practices, and other manipulations and abuses of the
15 agricultural economy are driving small family farm-
16 ers out of business. Farmers are going bankrupt or
17 giving up, and few are taking their places; more
18 farm families are having to rely on other jobs to stay
19 afloat. Seventy-nine percent of farm household in-
20 come came from off farm work in 2020, up from 53
21 percent in 1960.

22 (19) Eighty-one percent of America's farmed
23 cropland is now controlled by 15 percent of farms,
24 and the number of farmers leaving the land will con-

1 tinue to increase unless and until these trends are
2 reversed.

3 (20) The decline of small family farms under-
4 mines the economies of rural communities across
5 America; it has pushed Main Street businesses, from
6 equipment suppliers to small banks, out of business
7 or to the brink of insolvency.

8 (21) Increased concentration in the agribusiness
9 sector has a harmful effect on the environment; cor-
10 porate hog farming, for example, threatens the in-
11 tegrity of local water supplies and creates noxious
12 odors in neighboring communities. Concentration
13 also can increase the risks to food safety and limit
14 the biodiversity of plants and animals.

15 (22) The decline of family farming poses a di-
16 rect threat to American families and family values,
17 by subjecting farm families to turmoil and stress.
18 Farm advocates across the country are reporting an
19 increase in farmer suicides over the past several
20 years.

21 (23) The decline of family farming causes the
22 demise of rural communities, as stores lose cus-
23 tomers, churches lose congregations, schools and
24 clinics become under-used, career opportunities for

1 young people dry up, and local inequalities of wealth
2 and income grow wider.

3 (24) These developments are not the result of
4 inevitable market forces. Its problems arise rather
5 from policies made in Washington, including farm,
6 antitrust, and trade policies.

7 (25) Past congressional action to remediate
8 market failure, such as enacting country-of-origin la-
9 beling to provide transparency for domestic farmers,
10 ranchers, and consumers regarding agricultural com-
11 modity origins, have been overturned for key com-
12 modities by oligopolistic conglomerates that use un-
13 differentiated imports to reduce domestic farm
14 prices.

15 (26) To restore competition in the agricultural
16 economy, and to increase the bargaining power and
17 enhance economic prospects for family farmers, the
18 trend toward concentration must be reversed.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **AGRICULTURAL INPUT SUPPLIER.**—The
22 term “agricultural input supplier” means any person
23 (excluding agricultural cooperatives) engaged in the
24 business of selling, in interstate or foreign com-
25 merce, any product to be used as an input (including

1 seed, germ plasm, hormones, antibiotics, fertilizer,
2 and chemicals, but excluding farm machinery) for
3 the production of any agricultural commodity, except
4 that no person shall be considered an agricultural
5 input supplier if sales of such products are for a
6 value less than \$10,000,000 per year.

7 (2) BROKER.—The term “broker” means any
8 person engaged in the business of negotiating sales
9 and purchases of any agricultural commodity in
10 interstate or foreign commerce for or on behalf of
11 the vendor or the purchaser, except that no person
12 shall be considered a broker if the only sales of such
13 commodities are for a value less than \$10,000,000
14 per year.

15 (3) COMMISSION MERCHANT.—The term “com-
16 mission merchant” means any person engaged in the
17 business of receiving in interstate or foreign com-
18 merce any agricultural commodity for sale, on com-
19 mission, or for or on behalf of another, except that
20 no person shall be considered a commission mer-
21 chant if the only sales of such commodities are for
22 a value less than \$10,000,000 per year.

23 (4) DEALER.—The term “dealer” means any
24 person (excluding agricultural cooperatives) engaged
25 in the business of buying, selling, or marketing agri-

1 cultural commodities in interstate or foreign com-
2 merce, except that—

3 (A) no person shall be considered a dealer
4 with respect to sales or marketing of any agri-
5 cultural commodity of that person's own rais-
6 ing; and

7 (B) no person shall be considered a dealer
8 if the only sales of such commodities are for a
9 value less than \$10,000,000 per year.

10 (5) DISTRIBUTOR.—The term “distributor”
11 means any entity engaged in the business of distrib-
12 uting agricultural products from producers or manu-
13 facturers to consumers, restaurants, or retailers.

14 (6) INTEGRATOR.—The term “integrator”
15 means an entity that contracts with farmers for
16 grower services to raise chickens or hogs to slaugh-
17 ter size and weight. The integrator owns the chick-
18 ens or hogs, supplies the feed, slaughters, and fur-
19 ther processes the poultry or pork.

20 (7) PROCESSOR.—The term “processor” means
21 any person (excluding agricultural cooperatives) en-
22 gaged in the business of handling, preparing, or
23 manufacturing (including slaughtering and food and
24 beverage manufacturing) of an agricultural com-
25 modity, or the products of such agricultural com-

1 modity, for sale or marketing for human consump-
2 tion, except that no person shall be considered a
3 processor if the only sales of such products are for
4 a value less than \$10,000,000 per year.

5 (8) RETAILER.—The term “retailer” means any
6 person (excluding agricultural cooperatives, coopera-
7 tive retailers, and cooperative distributors) licensed
8 as a retailer under the Perishable Agriculture Com-
9 modities Act of 1930 (7 U.S.C. 499a(b)), except
10 that no person shall be considered a retailer if the
11 only sales of such products are for a value less than
12 \$10,000,000 per year.

13 **TITLE I—MORATORIUM ON AND**
14 **REVIEW OF LARGE AGRI-**
15 **BUSINESS, FOOD AND BEV-**
16 **ERAGE MANUFACTURING,**
17 **AND GROCERY RETAIL MERG-**
18 **ERS**

19 **SEC. 101. MORATORIUM ON LARGE AGRIBUSINESS, FOOD**
20 **AND BEVERAGE MANUFACTURING, AND GRO-**
21 **CERY RETAIL MERGERS.**

22 (a) IN GENERAL.—

23 (1) MORATORIUM.—Until the date referred to
24 in paragraph (2) and except as provided in sub-
25 section (b)—

1 (A) no dealer, processor, commission mer-
2 chant, agricultural input supplier, broker, or
3 operator of a warehouse of agricultural com-
4 modities or retailer with annual net sales or
5 total assets of more than \$222,000,000 shall
6 merge or acquire, directly or indirectly, any vot-
7 ing securities or assets of any other dealer,
8 processor, commission merchant, agricultural
9 input supplier, broker, or operator of a ware-
10 house of agricultural commodities or retailer
11 with annual net sales or total assets of more
12 than \$22,000,000; and

13 (B) no dealer, processor, commission mer-
14 chant, agricultural input supplier, broker, or
15 operator of a warehouse of agricultural com-
16 modities or retailer with annual net sales or
17 total assets of more than \$22,000,000 shall
18 merge or acquire, directly or indirectly, any vot-
19 ing securities or assets of any other dealer,
20 processor, commission merchant, agricultural
21 input supplier, broker, or operator of a ware-
22 house of agricultural commodities or retailer
23 with annual net sales or total assets of more
24 than \$222,000,000 if the acquiring person
25 would hold—

- 1 (i) 15 percent or more of the voting
2 securities or assets of the acquired person;
3 or
4 (ii) an aggregate total amount of the
5 voting securities and assets of the acquired
6 person in excess of \$21,000,000.

7 (2) DATE.—The date referred to in this para-
8 graph is the effective date of comprehensive legisla-
9 tion enacted on or after the date on which the re-
10 views referred to in section 102(a) are completed—

11 (A) for addressing the problem of market
12 concentration in the food and agricultural sec-
13 tor; and

14 (B) that terminates the moratorium under
15 paragraph (1).

16 (b) WAIVER AUTHORITY.—The Attorney General
17 shall have authority to waive the moratorium imposed by
18 subsection (a) only under extraordinary circumstances,
19 such as insolvency or similar financial distress of 1 of the
20 affected parties.

21 (c) EXEMPTIONS.—The classes of transactions de-
22 scribed in section 7A(c) of the Clayton Act (15 U.S.C.
23 18a(c)) are exempt from subsection (a).

24 (d) AVOIDANCE.—Any transaction or other device en-
25 tered into or employed for the purpose of avoiding the

1 moratorium contained in subsection (a) shall be dis-
2 regarded, and the application of the moratorium shall be
3 determined by applying subsection (a) to the substance of
4 the transaction.

5 (e) RULEMAKING.—The Attorney General shall pro-
6 mulgate regulations that the Attorney General determines
7 are necessary to implement this section. In making the
8 determination under the preceding sentence, the Attorney
9 General shall consult with the Federal Trade Commission.

10 **SEC. 102. RETROACTIVE REVIEW OF LARGE AGRIBUSINESS,**
11 **FOOD AND BEVERAGE MANUFACTURING,**
12 **AND GROCERY RETAIL MERGERS.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this Act, the Attorney General and
15 the Federal Trade Commission shall review each merger
16 that the Attorney General and the Federal Trade Commis-
17 sion have reviewed since January 1, 2006, that was sub-
18 ject to a premerger notification and waiting period pursu-
19 ant to section 7A of the Clayton Act (15 U.S.C. 18a) in
20 which a dealer, processor, distributor, commission mer-
21 chant, agricultural input supplier, broker, or operator of
22 a warehouse of agricultural commodities or retailer
23 merged or acquired, directly or indirectly, any voting secu-
24 rities or assets of any other dealer, processor, distributor,
25 commission merchant, agricultural input supplier, broker,

1 or operator of a warehouse of agricultural commodities or
2 retailer.

3 (b) UNWINDING.—The Attorney General and the
4 Federal Trade Commission shall consider whether to un-
5 wind a merger reviewed under subsection (a) to restore
6 competition, and may so unwind such merger, if the Attor-
7 ney General or the Federal Trade Commission determines
8 that the merger brought material harm to—

- 9 (1) competition nationally or in local markets;
10 (2) farmers and ranchers;
11 (3) workers; or
12 (4) consumers.

13 (c) INVESTIGATIVE AUTHORITY.—In conducting a re-
14 view of a merger under subsection (a), the Attorney Gen-
15 eral shall have the same power as the Federal Trade Com-
16 mission under section 6(b) of the Federal Trade Commis-
17 sion Act (15 U.S.C. 46(b)) with respect to such review.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
19 tion to such other amounts as may be made available to
20 the Federal Trade Commission and the Antitrust Division
21 of the Department of Justice, there is authorized to be
22 appropriated to carry out this section for fiscal year 2024
23 and each fiscal year thereafter—

- 24 (1) \$50,000,000 for the Federal Trade Com-
25 mission; and

1 (2) \$50,000,000 for the Antitrust Division of
2 the Department of Justice.

3 (e) FINES AND PENALTIES.—The Federal Trade
4 Commission and the Antitrust Division of the Department
5 of Justice may use any funds from fines, penalties, and
6 settlements not returned to consumers for their respective
7 future operations.

8 (f) ADDITIONAL APPROPRIATIONS.—To the extent
9 there are insufficient funds from fines, penalties, settle-
10 ments, and fees received by the Federal Trade Commis-
11 sion and the Antitrust Division of the Department of Jus-
12 tice for the costs of their respective programs, projects,
13 and activities, there are appropriated, out of monies in the
14 Treasury not otherwise appropriated, for fiscal year 2024
15 and each fiscal year thereafter such sums as are necessary
16 for the costs of such programs, projects, and activities.

17 **TITLE II—FARM SYSTEM** 18 **REFORMS**

19 **SEC. 201. LOCAL AGRICULTURE MARKET PROGRAM.**

20 Section 210A(i)(1) of the Agricultural Marketing Act
21 of 1946 (7 U.S.C. 1627c(i)(1)) is amended by striking
22 “fiscal year 2019” and inserting “each of fiscal years
23 2024 and 2025, and \$500,000,000 for fiscal year 2026”.

1 **SEC. 202. RESTORATION OF MANDATORY COUNTRY OF ORI-**
2 **GIN LABELING FOR BEEF AND PORK; INCLU-**
3 **SION OF DAIRY PRODUCTS.**

4 (a) DEFINITIONS.—Section 281 of the Agricultural
5 Marketing Act of 1946 (7 U.S.C. 1638) is amended—

6 (1) by redesignating paragraphs (1), (2)
7 through (5), (6), and (7) as paragraphs (2), (4)
8 through (7), (9), and (10), respectively;

9 (2) by inserting before paragraph (2) (as so re-
10 designated) the following:

11 “(1) BEEF.—The term ‘beef’ means meat pro-
12 duced from cattle (including veal).”;

13 (3) in paragraph (2) (as so redesignated)—

14 (A) in subparagraph (A)—

15 (i) in clause (i), by striking “lamb”
16 and inserting “beef, lamb, pork,”;

17 (ii) in clause (ii), by striking “ground
18 lamb” and inserting “ground beef, ground
19 lamb, ground pork,”;

20 (iii) in clause (x), by striking “and”
21 at the end;

22 (iv) in clause (xi), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (v) by adding at the end the following:
25 “(xii) dairy products.”; and

1 (B) in subparagraph (B), by inserting
2 “(other than clause (xii) of that subpara-
3 graph)” after “subparagraph (A)”;

4 (4) by inserting after paragraph (2) (as so re-
5 designated) the following:

6 “(3) DAIRY PRODUCT.—The term ‘dairy prod-
7 uct’ means—

8 “(A) fluid milk;

9 “(B) cheese, including cottage cheese and
10 cream cheese;

11 “(C) yogurt;

12 “(D) ice cream;

13 “(E) butter; and

14 “(F) any other dairy product.”; and

15 (5) by inserting after paragraph (7) (as so re-
16 designated) the following:

17 “(8) PORK.—The term ‘pork’ means meat pro-
18 duced from hogs.”.

19 (b) NOTICE OF COUNTRY OF ORIGIN.—Section
20 282(a) of the Agricultural Marketing Act of 1946 (7
21 U.S.C. 1638a(a)) is amended by adding at the end the
22 following:

23 “(5) DESIGNATION OF COUNTRY OF ORIGIN
24 FOR DAIRY PRODUCTS.—

1 “(A) IN GENERAL.—A retailer of a covered
2 commodity that is a dairy product shall des-
3 ignate the origin of the covered commodity as—

4 “(i) each country in which or from
5 which the 1 or more dairy ingredients or
6 dairy components of the covered com-
7 modity were produced, originated, or
8 sourced; and

9 “(ii) each country in which the cov-
10 ered commodity was processed.

11 “(B) STATE, REGION, LOCALITY OF THE
12 UNITED STATES.—With respect to a covered
13 commodity that is a dairy product produced ex-
14 clusively in the United States, designation by a
15 retailer of the State, region, or locality of the
16 United States where the covered commodity
17 was produced shall be sufficient to identify the
18 United States as the country of origin.”.

19 **SEC. 203. DEFINITIONS IN PACKERS AND STOCKYARDS ACT,**
20 **1921.**

21 Section 2(a) of the Packers and Stockyards Act,
22 1921 (7 U.S.C. 182(a)), is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “When used in this Act—” and inserting
25 “In this Act:”;

1 (2) in paragraph (8), by striking “for slaugh-
2 ter” and all that follows through “of such poultry”
3 and inserting “under a poultry growing arrange-
4 ment, regardless of whether the poultry is owned by
5 that person or another person”;

6 (3) in paragraph (9), by striking “and cares for
7 live poultry for delivery, in accord with another’s in-
8 structions, for slaughter” and inserting “or cares for
9 live poultry in accordance with the instructions of
10 another person”;

11 (4) in each of paragraphs (1) through (9), by
12 striking the semicolon at the end and inserting a pe-
13 riod;

14 (5) in paragraph (10)—

15 (A) by striking “for the purpose of either
16 slaughtering it or selling it for slaughter by an-
17 other”; and

18 (B) by striking “; and” at the end and in-
19 serting a period; and

20 (6) by adding at the end the following:

21 “(15) FORMULA PRICE.—

22 “(A) IN GENERAL.—The term ‘formula
23 price’ means any price term that establishes a
24 base from which a purchase price is calculated
25 on the basis of a price that will not be deter-

1 mined or reported until a date that is after the
2 date on which the forward price is established.

3 “(B) EXCLUSION.—The term ‘formula
4 price’ does not include—

5 “(i) any price term that establishes a
6 base from which a purchase price is cal-
7 culated on the basis of a futures market
8 price; or

9 “(ii) any adjustment to the base for
10 quality, grade, or other factors relating to
11 the value of livestock or livestock products
12 that are readily verifiable market factors
13 and are outside the control of the packer.

14 “(16) FORWARD CONTRACT.—The term ‘for-
15 ward contract’ means an oral or written contract for
16 the purchase of livestock that provides for the deliv-
17 ery of the livestock to a packer at a date that is
18 more than 7 days after the date on which the con-
19 tract is entered into, without regard to whether the
20 contract is for—

21 “(A) a specified lot of livestock; or

22 “(B) a specified number of livestock over a
23 certain period of time.”.

1 **SEC. 204. UNLAWFUL PRACTICES.**

2 (a) IN GENERAL.—Section 202 of the Packers and
3 Stockyards Act, 1921 (7 U.S.C. 192), is amended to read
4 as follows:

5 **“SEC. 202. UNLAWFUL ACTS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) BASE PRICE.—

8 “(A) IN GENERAL.—The term ‘base price’
9 means the price established in a poultry produc-
10 tion contract that corresponds to the stated
11 value provided by the independent contract pro-
12 ducer under the terms of the contract, prior to
13 the assessment of any performance-based pre-
14 mium or penalty.

15 “(B) SQUARE FOOTAGE.—The price de-
16 scribed in subparagraph (A) may be established
17 using the price per square foot of contracted
18 farm infrastructure or price per pound of poul-
19 try production.

20 “(2) COOPERATIVE ASSOCIATION OF PRO-
21 DUCERS.—The term ‘cooperative association of pro-
22 ducers’ means a cooperative association (as defined
23 in section 15(a) of the Agricultural Marketing Act
24 (12 U.S.C. 1141j(a))) engaged in marketing, bar-
25 gaining, shipping, or processing agricultural prod-
26 ucts.

1 “(3) EXPECTED PERFORMANCE STANDARD.—

2 The term ‘expected performance standard’ means,
3 with respect to a poultry production contract, a
4 standard established in the contract for the growth
5 and health performance of live poultry under the
6 management of an independent contract producer,
7 which may include expected mortality, weight gain,
8 or feed conversion efficiency.

9 “(4) INDEPENDENT CONTRACT PRODUCER.—

10 The term ‘independent contract producer’ means an
11 agricultural producer that—

12 “(A) enters into a contract to manage the
13 production of an agricultural commodity owned
14 by a live poultry dealer or another contracting
15 party; and

16 “(B) is not a member of a cooperative as-
17 sociation of producers that has engaged in bar-
18 gaining with the other contracting party.

19 “(5) MINIMUM PRICE.—The term ‘minimum
20 price’ means a contractually guaranteed price floor
21 within a poultry production contract below which the
22 final price delivered to an independent contract pro-
23 ducer may not be reduced, including by perform-
24 ance-based penalties.

1 “(6) PERFORMANCE-BASED INCENTIVE FOR-
2 MULA.—The term ‘performance-based incentive for-
3 mula’ means a formula designed to compare the real
4 performance of live poultry being managed by an
5 independent contract producer relative to an ex-
6 pected performance standard.

7 “(7) POULTRY PRODUCTION CONTRACT.—The
8 term ‘poultry production contract’ means an oral or
9 written contract established between a live poultry
10 dealer and an independent contract producer in
11 which the independent contract producer provides
12 the land, farm infrastructure, or management labor
13 of the independent contract producer to house and
14 raise live poultry owned by the live poultry dealer.

15 “(b) GENERAL RULE.—It shall be unlawful for any
16 packer or swine contractor with respect to livestock,
17 meats, meat food products, or livestock products in un-
18 manufactured form, or for any live poultry dealer with re-
19 spect to live poultry, to do any of the following:

20 “(1) Engage in or use any unfair, unjustly dis-
21 criminatory, or deceptive practice or device.

22 “(2) Make or give any undue or unreasonable
23 preference or advantage to any particular person or
24 locality in any respect, or subject any particular per-

1 son or locality to any undue or unreasonable preju-
2 dice or disadvantage in any respect.

3 “(3) Sell or otherwise transfer to or for any
4 other packer, swine contractor, or any live poultry
5 dealer, or buy or otherwise receive from or for any
6 other packer, swine contractor, or any live poultry
7 dealer, any article for the purpose or with the effect
8 of apportioning the supply between any such per-
9 sons, if such apportionment has the tendency or ef-
10 fect of restraining commerce or of creating a monop-
11 oly.

12 “(4) Sell or otherwise transfer to or for any
13 other person, or buy or otherwise receive from or for
14 any other person, any article for the purpose or with
15 the effect of manipulating or controlling prices, or of
16 creating a monopoly in the acquisition of, buying,
17 selling, or dealing in, any article, or of restraining
18 commerce.

19 “(5) Engage in any course of business or do
20 any act for the purpose or with the effect or manip-
21 ulating or controlling prices, or of creating a monop-
22 oly in the acquisition of, buying, selling, or dealing
23 in, any article, or of restraining commerce.

24 “(6) Conspire, combine, agree, or arrange with
25 any other person—

1 “(A) to apportion territory for carrying on
2 business;

3 “(B) to apportion purchases or sales of
4 any article; or

5 “(C) to manipulate or control prices.

6 “(7) Use, in effectuating any sale of livestock,
7 a forward contract that—

8 “(A) does not contain a firm base price
9 that may be equated to a fixed dollar amount
10 on the date on which the forward contract is
11 entered into;

12 “(B) is not offered for bid in an open, pub-
13 lic manner under which—

14 “(i) buyers and sellers have the oppor-
15 tunity to participate in the bid;

16 “(ii) more than 1 blind bid is solie-
17 ited; and

18 “(iii) buyers and sellers may witness
19 bids that are made and accepted;

20 “(C) is based on a formula price; or

21 “(D) provides for the sale of livestock in a
22 quantity in excess of—

23 “(i) in the case of cattle, 40 cattle;

24 “(ii) in the case of swine, 30 swine;

25 and

1 “(iii) in the case of another type of
2 livestock, a comparable quantity of that
3 type of livestock, as determined by the Sec-
4 retary.

5 “(8) Own or feed livestock directly, through a
6 subsidiary, or through an arrangement that gives a
7 packer operational, managerial, or supervisory con-
8 trol over the livestock, or over the farming operation
9 that produces the livestock, to such an extent that
10 the producer of the livestock is not materially par-
11 ticipating in the management of the operation with
12 respect to the production of the livestock, except
13 that this paragraph shall not apply to—

14 “(A) an arrangement entered into not
15 more than 7 business days before slaughter of
16 the livestock by a packer, a person acting
17 through the packer, or a person that directly or
18 indirectly controls, or is controlled by or under
19 common control with, the packer;

20 “(B) a cooperative or entity owned by a co-
21 operative, if a majority of the ownership inter-
22 est in the cooperative is held by active coopera-
23 tive members that—

24 “(i) own, feed, or control the livestock;
25 and

1 “(ii) provide the livestock to the coop-
2 erative for slaughter;

3 “(C) a packer that is not required to re-
4 port to the Secretary on each reporting day (as
5 defined in section 212 of the Agricultural Mar-
6 keting Act of 1946 (7 U.S.C. 1635a)) informa-
7 tion on the price and quantity of livestock pur-
8 chased by the packer; or

9 “(D) a packer that owns only 1 livestock
10 processing plant.

11 “(9) Take any action that adversely affects or
12 is likely to adversely affect competition, regardless of
13 whether there is a business justification for the ac-
14 tion.

15 “(10) Conspire, combine, agree, or arrange with
16 any other person to do, or aid or abet the doing of,
17 any act made unlawful by paragraphs (1) through
18 (9).

19 “(c) UNFAIR, DISCRIMINATORY, AND DECEPTIVE
20 PRACTICES AND DEVICES.—Acts by a packer, swine con-
21 tractor, or live poultry dealer that violate subsection (b)(1)
22 include the following:

23 “(1) Refusal to provide, on the request of a
24 livestock producer, swine production contract grow-
25 er, or poultry grower with which the packer, swine

1 contractor, or live poultry dealer has a marketing or
2 delivery contract, the relevant statistical information
3 and data used to determine the compensation paid
4 to the livestock producer, swine production contract
5 grower, or poultry grower, as applicable, under the
6 contract, including—

7 “(A) feed conversion rates by house, lot, or
8 pen;

9 “(B) feed analysis;

10 “(C) breeder history;

11 “(D) quality grade;

12 “(E) yield grade; and

13 “(F) delivery volume for any certified
14 branding program (such as programs for angus
15 beef or certified grassfed or Berkshire pork).

16 “(2) Conduct or action that limits or attempts
17 to limit by contract the legal rights and remedies of
18 a livestock producer, swine production contract
19 grower, or poultry grower, including the right—

20 “(A) to a trial by jury, unless the livestock
21 producer, swine production contract grower, or
22 poultry grower, as applicable, is voluntarily
23 bound by an arbitration provision in a contract;

24 “(B) to pursue all damages available under
25 applicable law; and

1 “(C) to seek an award of attorneys’ fees,
2 if available under applicable law.

3 “(3) Termination of a poultry growing arrange-
4 ment or swine production contract with no basis
5 other than an allegation that the poultry grower or
6 swine production contract grower failed to comply
7 with an applicable law, rule, or regulation.

8 “(4) A representation, omission, or practice
9 that is likely to mislead a livestock producer, swine
10 production contract grower, or poultry grower re-
11 garding a material condition or term in a contract
12 or business transaction.

13 “(d) UNDUE OR UNREASONABLE PREFERENCES, AD-
14 VANTAGES, PREJUDICES, AND DISADVANTAGES.—

15 “(1) IN GENERAL.—Acts by a packer, swine
16 contractor, or live poultry dealer that violate sub-
17 section (b)(2) include the following:

18 “(A) The execution, termination, extension,
19 or renewal of a contract or agreement that ma-
20 terially disadvantages a livestock producer,
21 swine production contract grower, or poultry
22 grower unless the packer, swine contractor, or
23 live poultry dealer can show, by a preponder-
24 ance of the evidence, that the acts were pre-
25 dominantly motivated by—

1 “(i) compliance with applicable regula-
2 tions;

3 “(ii) a distinct and materially disad-
4 vantageous change to the financial rela-
5 tionship with the livestock producer, swine
6 production contract grower, or poultry
7 grower; or

8 “(iii) the termination of operations in
9 the geographic region by the packer, swine
10 contractor, or live poultry dealer.

11 “(B) The failure to meet the requirements
12 described in paragraph (2).

13 “(C) In the case of a poultry production
14 contract that contains a performance-based in-
15 centive formula, the failure to meet the require-
16 ments described in paragraph (3).

17 “(2) PAYMENT BY SQUARE FOOTAGE.—The re-
18 quirements described in this paragraph are as fol-
19 lows:

20 “(A) Subject to subparagraph (B), a live
21 poultry dealer shall structure any poultry pro-
22 duction contract in a manner that provides for
23 payment by the square footage of the barn or
24 facility space in which the live birds that are
25 subject to the contract are reared and raised.

1 “(B) In lieu of providing for payment by
2 the square footage of the barn or facility space
3 in which the live birds that are subject to the
4 contract are reared and raised, a live poultry
5 dealer may meet the requirement specified in
6 subparagraph (A) if the dealer includes in the
7 poultry production contract an alternative base
8 price provision that was obtained through nego-
9 tiations with a cooperative association of pro-
10 ducers representing the individual independent
11 contract producer.

12 “(3) USE OF PERFORMANCE-BASED INCENTIVE
13 FORMULA.—The requirements described in this
14 paragraph are as follows:

15 “(A) The poultry production contract shall
16 guarantee a minimum price.

17 “(B) The expected performance standard
18 in the poultry production contract shall be
19 based on at least a 6-month rolling performance
20 average of all producers in the complex of the
21 independent contract producer.

22 “(C) The performance-based incentive for-
23 mula shall not assess a premium or penalty per-
24 centage that exceeds the percentage difference
25 between the performance of the independent

1 contract producer and the expected performance
2 average.

3 “(D) The expected performance standard
4 in the poultry production contract shall be
5 mathematically adjusted to account for expected
6 performance with respect to expected mortality,
7 weight, or feed conversion efficiency, with dif-
8 ferences relative to—

9 “(i) layer flock age and health;

10 “(ii) predelivery health issues;

11 “(iii) flock breed;

12 “(iv) flock pick-up age;

13 “(v) feed type;

14 “(vi) feed disruption of 6 hours or

15 more; and

16 “(vii) medical care protocols (such as
17 an antibiotic-free protocol).

18 “(E) The poultry production contract shall
19 include a procedure for settling payment out-
20 side of the performance-based payment formula,
21 through a performance average of at least the
22 last 5 flocks of the independent contract pro-
23 ducer, in the case of the independent contract
24 producer bringing an appeal related to input
25 quality or provision issues.

1 “(e) HARM TO COMPETITION NOT REQUIRED.—In
2 determining whether an act, device, or conduct is a viola-
3 tion under paragraph (1) or (2) of subsection (b), a find-
4 ing that the act, device, or conduct adversely affected or
5 is likely to adversely affect competition is not required.”.

6 (b) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 paragraph (8) of section 202(b) of the Packers and
9 Stockyards Act, 1921 (7 U.S.C. 192) (as designated
10 by subsection (a)), shall take effect on the date of
11 enactment of this Act.

12 (2) TRANSITION RULES.—In the case of a pack-
13 er that, on the date of enactment of this Act, owns,
14 feeds, or controls livestock intended for slaughter in
15 violation of paragraph (8) of section 202(b) of the
16 Packers and Stockyards Act, 1921 (7 U.S.C. 192)
17 (as designated by subsection (a)), that paragraph
18 shall take effect—

19 (A) in the case of a packer of swine, begin-
20 ning on the date that is 18 months after the
21 date of enactment of this Act; and

22 (B) in the case of a packer of any other
23 type of livestock, beginning not later than 180
24 days after the date of enactment of this Act, as
25 determined by the Secretary.

1 **SEC. 205. SPOT MARKET PURCHASES OF LIVESTOCK BY**
2 **PACKERS.**

3 The Packers and Stockyards Act, 1921, is amended
4 by inserting after section 202 (7 U.S.C. 192) the fol-
5 lowing:

6 **“SEC. 202A. SPOT MARKET PURCHASES OF LIVESTOCK BY**
7 **PACKERS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COVERED PACKER.—

10 “(A) IN GENERAL.—The term ‘covered
11 packer’ means a packer that is required under
12 subtitle B of the Agricultural Marketing Act of
13 1946 (7 U.S.C. 1635 et seq.) to report to the
14 Secretary each reporting day (as defined in sec-
15 tion 212 of the Agricultural Marketing Act of
16 1946 (7 U.S.C. 1635a)) information on the
17 price and quantity of livestock purchased by the
18 packer.

19 “(B) EXCLUSION.—The term ‘covered
20 packer’ does not include a packer that owns
21 only 1 livestock processing plant.

22 “(2) NONAFFILIATED PRODUCER.—The term
23 ‘nonaffiliated producer’ means a producer of live-
24 stock—

25 “(A) that sells livestock to a packer;

1 “(B) that has less than 1 percent equity
2 interest in the packer;

3 “(C) that has no officers, directors, em-
4 ployees, or owners that are officers, directors,
5 employees, or owners of the packer;

6 “(D) that has no fiduciary responsibility to
7 the packer; and

8 “(E) in which the packer has no equity in-
9 terest.

10 “(3) SPOT MARKET SALE.—

11 “(A) IN GENERAL.—The term ‘spot mar-
12 ket sale’ means a purchase and sale of livestock
13 by a packer from a producer—

14 “(i) under an agreement that specifies
15 a firm base price that may be equated with
16 a fixed dollar amount on the date the
17 agreement is entered into;

18 “(ii) under which the livestock are
19 slaughtered not more than 7 days after the
20 date on which the agreement is entered
21 into; and

22 “(iii) under circumstances in which a
23 reasonable competitive bidding opportunity
24 exists on the date on which the agreement
25 is entered into.

1 “(B) REASONABLE COMPETITIVE BIDDING
2 OPPORTUNITY.—For the purposes of subpara-
3 graph (A)(iii), a reasonable competitive bidding
4 opportunity shall be considered to exist if—

5 “(i) no written or oral agreement pre-
6 cludes the producer from soliciting or re-
7 ceiving bids from other packers; and

8 “(ii) no circumstance, custom, or
9 practice exists that—

10 “(I) establishes the existence of
11 an implied contract (as determined in
12 accordance with the Uniform Com-
13 mercial Code); and

14 “(II) precludes the producer from
15 soliciting or receiving bids from other
16 packers.

17 “(b) GENERAL RULE.—Of the quantity of livestock
18 that is slaughtered by a covered packer during each re-
19 porting day (as defined in section 212 of the Agricultural
20 Marketing Act of 1946 (7 U.S.C. 1635a)) in each plant,
21 the covered packer shall slaughter not less than the appli-
22 cable percentage specified in subsection (c) of the quantity
23 through spot market sales from nonaffiliated producers.

24 “(c) APPLICABLE PERCENTAGES.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the applicable percentage shall be 50 per-
3 cent.

4 “(2) EXCEPTIONS.—In the case of a covered
5 packer that reported to the Secretary in the 2020
6 annual report that more than 60 percent of the live-
7 stock of the covered packer were committed procure-
8 ment livestock, the applicable percentage shall be the
9 greater of—

10 “(A) the difference between the percentage
11 of committed procurement livestock so reported
12 and 100 percent; and

13 “(B)(i) during each of calendar years 2024
14 and 2025, 20 percent;

15 “(ii) during each of calendar years 2026
16 and 2027, 30 percent; and

17 “(iii) during calendar year 2028 and each
18 calendar year thereafter, 50 percent.

19 “(d) NONPREEMPTION.—This section does not pre-
20 empt any requirement of a State or political subdivision
21 of a State that requires a covered packer to purchase on
22 the spot market a greater percentage of the livestock pur-
23 chased by the covered packer than is required under this
24 section.”.

1 **SEC. 206. INVESTIGATION OF LIVE POULTRY DEALERS.**

2 (a) ADMINISTRATIVE ENFORCEMENT AUTHORITY
3 OVER LIVE POULTRY DEALERS.—Sections 203, 204, and
4 205 of the Packers and Stockyards Act, 1921 (7 U.S.C.
5 193, 194, 195), are amended by inserting “, live poultry
6 dealer,” after “packer” each place it appears.

7 (b) AUTHORITY TO REQUEST TEMPORARY INJUNC-
8 TION OR RESTRAINING ORDER.—Section 408 of the Pack-
9 ers and Stockyards Act, 1921 (7 U.S.C. 228a), is amend-
10 ed by inserting “or poultry care” after “on account of
11 poultry”.

12 (c) VIOLATIONS BY LIVE POULTRY DEALERS.—Sec-
13 tion 411 of the Packers and Stockyards Act, 1921 (7
14 U.S.C. 228b–2), is amended—

15 (1) in subsection (a), in the first sentence, by
16 striking “any provision of section 207 or section 410
17 of”; and

18 (2) in subsection (b), in the first sentence, by
19 striking “any provisions of section 207 or section
20 410” and inserting “any provision”.

21 **SEC. 207. ENSURING FAIR PRACTICES IN AGRICULTURE.**

22 Not later than 30 days after the date of the enact-
23 ment of this Act, the Secretary of Agriculture shall imple-
24 ment, without amendment, the final rule titled “Unfair
25 Practices and Undue Preferences in Violation of the Pack-
26 ers and Stockyards Act” and published in the Federal

1 Register by the Department of Agriculture on December
2 20, 2016 (81 Fed. Reg. 92703).

3 **SEC. 208. AWARD OF ATTORNEY FEES.**

4 Section 204 of the Packers and Stockyards Act, 1921
5 (7 U.S.C. 194), is amended by adding at the end the fol-
6 lowing:

7 “(i) ATTORNEY’S FEE.—The court
8 shall award a reasonable attorney’s fee as
9 part of the costs to a prevailing plaintiff in
10 a civil action under this section.”.

11 **SEC. 209. REVIEW AND REPORT ON FRAGILITY AND NA-**
12 **TIONAL SECURITY IN THE FOOD SYSTEM.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of enactment of this Act, the Comptroller General
15 of the United States shall—

16 (1) conduct a review of the fragility of the food
17 system in the United States with respect to meat,
18 poultry, and dairy; and

19 (2) submit to Congress a report containing the
20 results of such review.

21 (b) REQUIREMENTS.—The report under subsection
22 (a) shall include information on, and an analysis of—

23 (1) the reach of corporate consolidation and
24 corporate control of the meat, poultry, and dairy

1 supply chain, including animal feed, inputs for ani-
2 mal feed, processing, and distribution;

3 (2) the effects of corporate consolidation and
4 corporate control of the meat, poultry, and dairy
5 supply chain on—

6 (A) consumers, farmers, rural commu-
7 nities, and meat, poultry, and dairy processing
8 workers;

9 (B) greenhouse gas emissions, climate
10 change, and costs borne by communities to
11 adapt to climate change;

12 (C) water quality, soil quality, air quality,
13 and biodiversity; and

14 (D) politics and political lobbying;

15 (3)(A) the extent to which Department of Agri-
16 culture rules and regulations designed for large cov-
17 ered establishments are applied to small- and me-
18 dium-sized covered establishments; and

19 (B) the need for the Secretary of Agriculture to
20 adapt rules and regulations to benefit small- and
21 medium-sized covered establishments;

22 (4) the effects of the COVID–19 pandemic on
23 meat, poultry, and dairy exports; meat, poultry, and
24 dairy cold storage inventories; processing rates of

1 meat, poultry, and dairy; and the net profits earned
2 by owners of covered establishments;

3 (5) the effect of the COVID–19 pandemic on
4 meat, poultry, and dairy prices paid—

5 (A) to farmers; and

6 (B) by consumers;

7 (6) Federal support for the corporations that
8 control the largest percentage of the meat, poultry,
9 and dairy industry through contracts, procurement,
10 subsidies, and other mechanisms;

11 (7) the risk of disruption caused by corporate
12 consolidation among covered establishments, includ-
13 ing an analysis of food supply chain issues resulting
14 from the COVID–19 pandemic; and

15 (8) the extent to which breaking up the meat
16 packing oligopoly and the dairy processing oligopoly
17 would increase food system resiliency for the next
18 pandemic.

19 (c) COVERED ESTABLISHMENT DEFINED.—In this
20 section, the term “covered establishment” means—

21 (1) an establishment that is subject to inspec-
22 tion under the Federal Meat Inspection Act (21
23 U.S.C. 601 et seq.);

1 (2) an establishment that is subject to inspec-
2 tion under the Poultry Products Inspection Act (21
3 U.S.C. 451 et seq.); and

4 (3) an establishment—
5 (A) that is a dairy operation (as defined in
6 section 1401 of the Agricultural Act of 2014 (7
7 U.S.C. 9051)); or

8 (B) that processes dairy.

9 **SEC. 210. TECHNICAL AMENDMENTS.**

10 (a) Section 203 of the Packers and Stockyards Act,
11 1921 (7 U.S.C. 193), is amended—

12 (1) in subsection (a), in the first sentence—

13 (A) by striking “he shall cause” and in-
14 serting “the Secretary shall cause”;

15 (B) by striking “his charges” and inserting
16 “the charges”; and

17 (C) by striking “evidence introduced
18 against him” and inserting “evidence intro-
19 duced against the packer, live poultry dealer, or
20 swine contractor”;

21 (2) in subsection (b), in the first sentence, by
22 striking “he shall make a report in writing in which
23 he shall state his findings” and inserting “the Sec-
24 retary shall make a report in writing in which the

1 Secretary shall state the findings of the Secretary”;
2 and

3 (3) in subsection (c), by striking “he” and in-
4 serting “the Secretary”.

5 (b) Section 204 of the Packers and Stockyards Act,
6 1921 (7 U.S.C. 194), is amended—

7 (1) in subsection (a), by striking “he has his”
8 and inserting “the packer, live poultry dealer, or
9 swine contractor has its”;

10 (2) in subsection (c), by striking “his officers,
11 directors, agents, and employees” and inserting “the
12 officers, directors, agents, and employees of the
13 packer, live poultry dealer, or swine packer”;

14 (3) in subsection (f), in the second sentence—

15 (A) by striking “his findings” and insert-
16 ing “the findings of the Secretary”; and

17 (B) by striking “he” and inserting “the
18 Secretary”; and

19 (4) in subsection (g), by striking “his officers,
20 directors, agents, and employees” and inserting “the
21 officers, directors, agents, and employees of the
22 packer, live poultry dealer, or swine packer”.

1 **TITLE III—PROVIDING RE-**
2 **SOURCES FOR BEGINNING,**
3 **RETIRING, AND SOCIALLY**
4 **DISADVANTAGED FARMERS**
5 **AND RANCHERS**

6 **SEC. 301. REAUTHORIZATION AND INCREASED FUNDING**
7 **FOR BEGINNING, RETIRING, AND SOCIALLY**
8 **DISADVANTAGED FARMERS AND RANCHERS.**

9 (a) MANDATORY FUNDING.—Section 2501(l)(1) of
10 the Food, Agriculture, Conservation, and Trade Act of
11 1990 (7 U.S.C. 2279(l)(1)) is amended—

12 (1) in subparagraph (C), by striking “and”;

13 (2) in subparagraph (D), by striking “2023 and
14 each fiscal year thereafter.” and inserting “2023;
15 and”; and

16 (3) by adding at the end the following:

17 “(E) \$100,000,000 for each of fiscal years
18 2024 through 2028.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
20 2501(l)(2) of the Food, Agriculture, Conservation, and
21 Trade Act of 1990 (7 U.S.C. 2279(l)(2)) is amended by
22 striking “\$50,000,000 for each of fiscal years 2019
23 through 2023” and inserting “\$100,000,000 for each of
24 fiscal years 2024 through 2028”.

1 **TITLE IV—LIVESTOCK, DAIRY,**
2 **AND POULTRY SUPPLY CHAIN**
3 **INFRASTRUCTURE**

4 **SEC. 401. LIVESTOCK, DAIRY, AND POULTRY SUPPLY CHAIN**
5 **INFRASTRUCTURE GRANTS AND LOANS.**

6 Subtitle D of title III of the Consolidated Farm and
7 Rural Development Act (7 U.S.C. 1981 et seq.) is amend-
8 ed by adding at the end the following new section:

9 **“SEC. 379I. LIVESTOCK, DAIRY, AND POULTRY SUPPLY**
10 **CHAIN INFRASTRUCTURE.**

11 “(a) IN GENERAL.—The Secretary is authorized to
12 provide grants or make or insure loans under any of the
13 programs authorized by this Act, the Agricultural Mar-
14 keting Act of 1946 (7 U.S.C. 1621 et seq.), or the Rural
15 Electrification Act of 1936 (7 U.S.C. 901 et seq.), as the
16 Secretary determines to be appropriate, to assist farmers
17 and rural businesses and cooperatives to maintain or in-
18 crease the production, aggregation, processing, distribu-
19 tion, and marketing of value-added, niche, or regionally
20 marketed meat, dairy, and poultry products.

21 “(b) PRIORITY.—In implementing subsection (a), the
22 Secretary shall give priority to grants or loans that will
23 help increase or enhance the availability and geographic
24 distribution of small processing facilities.

1 “(c) SMALL PROCESSING FACILITY DEFINED.—In
2 this section, the term ‘small processing facility’ means—

3 “(1) a selected establishment (as defined in sec-
4 tion 501(a) of the Federal Meat Inspection Act (21
5 U.S.C. 683(a));

6 “(2) a selected establishment (as defined in sec-
7 tion 31(a) of the Poultry Products Inspection Act
8 (21 U.S.C. 472(a)); and

9 “(3) an establishment that—

10 “(A) specializes in processing milk, cream,
11 or dairy products; and

12 “(B) processes fewer than 100,000 pounds
13 of milk, cream, or dairy products per day.”.

14 **SEC. 402. PILOT PROGRAM FOR INCREASED ACCESSIBILITY**
15 **TO INSPECTION AND TECHNICAL ASSIST-**
16 **ANCE FOR ELIGIBLE PROCESSING FACILI-**
17 **TIES.**

18 (a) IN GENERAL.—The Secretary shall carry out a
19 5-year pilot program within the Food Safety and Inspec-
20 tion Service—

21 (1) to expand the availability of processing in-
22 spectors, technical assistance, and onsite inspection
23 for eligible processing facilities, including no-cost
24 overtime inspections; and

1 (2) to identify and train part-time inspectors
2 and technical assistance providers.

3 (b) PROFESSIONAL EXPERIENCE.—The Secretary
4 shall determine the appropriate professional experience of
5 inspectors and providers described in subsection (a)(2),
6 which shall include individuals with expertise in veterinary
7 medicine, public health, food service management, and
8 animal science, as applicable.

9 (c) DEFINITIONS.—In this section:

10 (1) ELIGIBLE PROCESSING FACILITY.—The
11 term “eligible processing facility” means—

12 (A) an eligible facility described in section
13 764 of division N of the Consolidated Appro-
14 priations Act, 2021 (21 U.S.C. 473), that has
15 a labor peace agreement in place; and

16 (B) a dairy processing facility that has a
17 labor peace agreement in place.

18 (2) LABOR PEACE AGREEMENT.—The term
19 “labor peace agreement” means an agreement—

20 (A) between an employer and a labor orga-
21 nization that represents, or is actively seeking
22 to represent, the employees of the employer;
23 and

24 (B) under which such employer and labor
25 organization agree that—

1 (i) the employer—

2 (I) will not hinder any effort of
3 an employee to join a labor organiza-
4 tion; and

5 (II) will not take any ac-
6 tion that directly or indirectly indi-
7 cates or implies any opposition to an
8 employee joining a labor organization;

9 (ii) the labor organization agrees to
10 refrain from picketing, work stoppages, or
11 boycotts against the employer;

12 (iii) the employer provides the labor
13 organization with employee contact infor-
14 mation, and facilitates or permits labor or-
15 ganization access to employees at the
16 workplace, including facilitating or permit-
17 ting the labor organization to meet with
18 employees to discuss joining the labor or-
19 ganization; and

20 (iv) the employer shall, upon the re-
21 quest of the labor organization, recognize
22 the labor organization as the bargaining
23 representative of the employees if a major-
24 ity of the employees choose the labor orga-

1 nization as their bargaining representa-
2 tive.